UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ENT INT'L DEALTY CODD, H.D.C.O.N.Y. INC.

ENT INT'L REALTY CORP., H.P.S.O.N.Y., INC. N.Y.A.H., INC., R.C.F.H.P., INC. On behalf of themselves and others similarly situated,

NOTICE OF MOTION TO DISMISS

Plaintiffs.

Case 1:20-CV-4277 (PKC)

-against-

ANDREW CUOMO, in his personal and official capacity as Governor of the State of New York, BILL De BLASIO in his personal and official capacity as Mayor of New York City, and THE NEW YORK CITY DEPARTMENT OF FINANCE.

	Defendants.		
 		X	

PLEASE TAKE NOTICE that upon the accompanying Declaration of Assistant Corporation Counsel Edan Burkett, dated August 7, 2020, and the Memorandum of Law in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of Motion to Dismiss, dated August 7, 2020, Defendants Bill de Blasio and the New York City Department of Finance (collectively, "City"), by their attorney, James E. Johnson, Corporation Counsel of the City of New York, will move this Court, before the Honorable P. Kevin Castel, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, on a date and time designated by the Court, for an Order pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure dismissing the claims pled in Plaintiffs' Complaint (Dkt. No. 1) against the City, on the grounds that this Court lacks subject matter jurisdiction to enjoin the collection of real estate taxes pursuant to 28 U.S.C. § 1341 (i.e.,

Tax Injunction Act), and also for failure to state a claim against the City upon which relief can be granted, and such other and further relief as the Court shall deem just and proper.

Dated: New York, New York August 7, 2020

JAMES E. JOHNSON
Corporation Counsel of the
City of New York
Attorney for Defendants Bill de Blasio and the New York
City Department of Finance
100 Church Street
New York, New York 10007
(212) 356-2668
eburkett@law.nyc.gov

By: /s/ Edan Burkett Assistant Corporation Counsel

TO: All Counsel (VIA ECF)